

1 Scott Kalkin 120791  
2 **ROBOOSTOFF & KALKIN**  
3 A Professional Law Corporation  
369 Pine Street, Suite 610  
4 San Francisco, California 94104  
(415) 732-0282

5 Attorneys for plaintiff  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 Patricia Galvin,

11 Plaintiff,

12 v.

13 Provident Life and Accident  
14 Insurance Company as Administrator  
15 and Fiduciary of the Group Long  
Term Disability Plan for Heller,  
16 Erhman, White & McAuliffe, et al.,

17 Defendants.  
18

No: C 07 05195 RS

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE AND  
REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

19 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.

20 The undersigned party hereby declines to consent to the assignment of this case  
21 to a United States Magistrate Judge for trial and disposition and hereby requests the  
22 reassignment of this case to a United States District Judge.

23 **ROBOOSTOFF & KALKIN**  
24

25 Dated: December 20, 2007

26 /s/  
Scott Kalkin  
Attorney for plaintiff  
27

28 Declination to Proceed before Magistrate Judge

**PROOF OF SERVICE**

I, the undersigned, declare:

I am over the age of 18 years and not a party to this action or proceeding. My business address is 369 Pine Street, Suite 610, San Francisco, California 94104, where I am employed:

On December 20, 2007, I caused to be served the following document(s):

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE**

\_\_\_\_ MAIL - placed in the United States mail at San Francisco, California, postage fully prepaid.

\_\_\_\_ PERSONAL SERVICE - delivered by hand to the addressee. (Lighting Delivery)

\_\_\_\_ FAX - same day delivery by facsimile transmission to the addressee's fax number.

  X   E-FILED - served pursuant to Northern District of California General Order 45.

addressed to the following:

John C. Ferry, Esq.  
**KELLY, HERLIHY & KLEIN LLP**  
44 Montgomery Street, Suite 2500  
San Francisco, California 94104

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 20, 2007, at San Francisco, California.

\_\_\_\_ /s/  
Scott Kalkin